

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00567 JSW

Plaintiff,

ORDER TO SHOW CAUSE

v.

SHAUN D. ROBERTS,

Defendant.

On October 4, 2010, Shaun D. Roberts ("Roberts") filed a motion to vacate his sentence in this case, pursuant to 28 U.S.C. § 2255. (Docket No. 129.) On that same date, he filed a request to file a delayed brief, on the basis that he is in a special housing unit and does not have access to the law library. (Docket No. 130.) On November 2, 2010, the Court granted Roberts' request for an extension and directed him to file an amended motion by no later than December 9, 2010. The Court has received Roberts' amended motion under Section 2255, in which he claims that he is entitled to relief on the basis that: (1) this Court did not provide notice that it might impose a sentence above the range provided by the United States Sentencing Guidelines; (2) the sentence imposed was unreasonable; and (3) trial counsel failed to object to the determination that Roberts qualified as a "career offender."

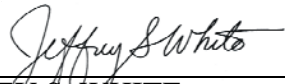
A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

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1 3. If Roberts wishes to respond to the answer, he shall do so by filing a reply with
2 the court and serving it on Respondent within 30 days of his receipt of the answer.

3 **IT IS SO ORDERED.**

4
5 Dated: December 20, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

ROBERTS et al,

Defendant.

Case Number: CR05-00567 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 20, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Shaun Roberts
#93235-111
USP Canaan
PO Box 300
Waymart, PA 18472

Dated: December 20, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk